



STATE OF TENNESSEE

EXECUTIVE ORDER

BY THE GOVERNOR

No. 4

AN ORDER TRANSFERRING THE FUNCTIONS OF THE OFFICE OF CHILDREN'S SERVICES ADMINISTRATION FROM THE DEPARTMENT OF FINANCE AND ADMINISTRATION TO THE DEPARTMENT OF HEALTH

WHEREAS, a Leadership Board, comprised of professionals within the child advocacy community, the Departments that provide services to children, community organizations, and the juvenile justice judiciary, has worked with the Select Committee on Children and Youth in studying and making recommendations regarding the structure of providing services to children of the state; and

WHEREAS, the Select Committee on Children and Youth has been intimately involved in the study of children's issues and contributed to the development of policy related to the welfare of children in the state; and

WHEREAS, it has been determined that it would be in the interest of a more efficient state service to coordinate the funding of services provided to children in state custody or at risk of entering state custody in a department that has service delivery responsibility; and

WHEREAS, the transfer of the Office of Children's Services Administration to the Department of Health will facilitate the operation of governmental programs; and

WHEREAS, the Tennessee Children's Plan was established by Executive Order 58; and

WHEREAS, the Office of Children's Services Administration was established as a Division of the Department of Finance and Administration to oversee coordinated, efficient and effective services to children in state custody, at risk of entering state custody, reunified with families upon release from custody or identified as having a need for prevention services from the state; and

WHEREAS, the Department of Finance and Administration was created and established in Tennessee Code Annotated, Section 4-3-1001; the Department of Health was created and established in Tennessee Code Annotated, Section 4-3-1801;

NOW THEREFORE, I, Don Sundquist, Governor of the State of Tennessee, by virtue of the power and authority vested in me by the Tennessee Constitution and by Tennessee Code Annotated, Section 4-4-102 and Section 4-4-117 do hereby direct the following:

1. That the functions of the Office of Children's Services Administration established in the Department of Finance and Administration by Executive Order 58 shall be transferred to the Tennessee Department of Health effective August 1, 1995. This transfer shall include all functions established in Paragraph 4 of Executive Order 58, including but not limited to administering state and federal funds, approving applications for grants, monitoring community based grants, directing Children's Plan operations, contracting, coordinating dissemination of information, planning, training, and developing annual funding plans. In addition, those

functions listed in Paragraph 10 of Executive Order 58 related to the implementation of the Juvenile Family Crisis Intervention Program and the Early Childhood Development Act of 1994 shall also be transferred.

2. That the Commissioner of the Department of Health shall perform all the duties and have the same authority and responsibility with regard to the programs and functions transferred by this Executive Order as the Commissioner has with other divisions of the Department of Health. Said Commissioner shall perform all duties related to, and have responsibility for, the programs transferred and the administration of all statutory functions transferred under the provisions of this Executive Order, as well as any rules, regulations, policies and orders developed thereunder.
3. That a consultant be engaged to assist in making policy recommendations and coordinating the responsibilities associated with the operation of the Office of Children's Services Administration and the continuing study and consolidation of services to children.
4. That based upon an implementation plan developed by the Commissioner of the Department of Health, said Commissioner with the assistance and approval of the Department of Personnel shall cause to be transferred to the Department of Health any filled or unfilled, authorized and funded positions assigned, directly or indirectly to the programs transferred by this Executive Order. The Commissioner of Health shall, on or before August 1, 1995, begin the process of transferring the aforesaid positions and employees and shall complete the process in due time.
5. In accordance with the schedule for transferring positions and employees, the 1995-6 fiscal year appropriations to the Department of Finance and Administration for the operation of the Office of Children's Services Administration and the administration of those functions transferred under the provisions of this Executive Order and the rules, regulations, orders and policies effectuated thereunder shall be transferred to the Department of Health, and the Department of Finance and Administration shall revise the present work programs, as well as future budgets, of the Departments affected to reflect the effect of this Executive Order.
6. That all personal property, equipment and other materials available and necessary to implementation of the requirements of the programs transferred by this Executive Order shall also be transferred to the custody and control of the Department of Health.
7. That on or after August 1, 1995, the Department of Health, through its Commissioner, shall have the authority to receive administer and supervise any and all grants and funds from whatever sources, including but not limited to the federal, state, county and municipal governments, with respect to the programs and functions transferred by this Executive Order.
8. That all contracts or leases entered into prior to August 1, 1995 by the Department of Finance and Administration or the Office of Children's Services Administration with respect to any program or function transferred herein with any entity, corporation, agency, enterprise or person shall continue in full force and effect as to all essential provisions in accordance with the terms and conditions of the contracts in existence on August 1, 1995, to the same extent as if such contracts had originally been entered into by and between such entity, corporation, agency, enterprise or person and the Department of Health unless and until such contracts or leases are amended or modified by the parties thereto.
9. That all current rules, regulations, orders, decisions and policies heretofore issued or promulgated by the Department of Finance and Administration or the Children's Plan pursuant to the provisions of those statutes whose functions have been transferred under the provisions of this Executive Order shall remain in full force and effect and shall hereafter be administered and enforced by the Department of Health. To this end, the Department of Health, through its Commissioner, shall have authority consistent with the statutes and regulations pertaining to the programs and functions transferred herein, to modify or rescind orders, rules and regulations, decisions or policies heretofore issued and to adopt, issue or promulgate new orders, rules and regulations, decisions or policies as may be necessary for the administration of the programs or functions herein transferred.

10. That it is my intent to transfer all statutory and related functions to the Department of Health that may be necessary for implementation and continued administration of the Office of Children's Services Administration.

11. That this Order supersedes Executive Order 58 issued June 29, 1994 and all other Executive Orders on the same subject to the extent that those Orders are inconsistent with this Order.

IN WITNESS WHEREOF, I have subscribed my signature and caused the Great Seal of the State of Tennessee to be affixed this 28th day of July, 1995.


GOVERNOR

ATTEST:


SECRETARY OF STATE

